

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PAUL POGUE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:06CV148-MHT
)	(WO)
TONY CHANDLER, et al.,)	
)	
Defendants.)	

ORDER

Upon consideration of plaintiff's "Motion for the Court to Compel the Alabama Forestry Commission, and its employee Tony Chandler to Produce Useful Data" (Doc. #33), it is

ORDERED that the motion is DENIED. The motion does not demonstrate that plaintiff has sought this information from the defendants using the discovery mechanisms provided in the Federal Rules of Civil Procedure.¹ Additionally, even if plaintiff had sought the information through discovery requests to the opposing parties, the present motion does not include a certification that the movant has, in good faith, conferred with opposing counsel in an attempt to resolve the discovery dispute without the intervention of the court.²

¹ Defendants respond that plaintiff served no discovery request before filing the present motion.

² Paragraph 5 of the General Order of this court entered on November 22, 1993 provides as follows:

The court will not consider any motion relating to discovery, such as a motion to compel or a motion for protective order, unless the motion is accompanied by a written certification that the moving party has made reasonable good-faith effort to reach agreement with opposing counsel on the matters set forth in the motion.

Federal Rules of Civil Procedure 26(c) and 37(a)(2)(B), as amended on December 1, 1993, require litigants to seek to resolve discovery disputes by a good faith conference before seeking court intervention. Discovery motions filed pursuant to these Rules must be accompanied by a certification that the movant has in good faith conferred or attempted to confer with other affected

It is further ORDERED that defendant's motion to strike (Doc. # 34) is DENIED, and the remainder of defendant's motion is construed as a response to plaintiff's motion to compel.

DONE, this 1st day of November, 2006.

/s/ Susan Russ Walker

SUSAN RUSS WALKER

UNITED STATES MAGISTRATE JUDGE

parties in an effort to resolve the dispute without court action.